IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6037 of 2007()

CRIME NO. 963/07 OF EAST POLICE STATION, KOLLAM
CRMP.3128/2007 of II ADDL. DISTRICT COURT, KOLLAM

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PETITIONER/ACCUSED NO.1

RAJEEV, AGED 32 YEARS,
S/O. HARISASAN,PAZHAYATHU THEKKETHIL,
MC.934,FAMILY NAGAR.13,KOLLAM EAST VILLAGE,
ULIYAKOIL, KOLLAM.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA,REPRESENTED BY
THE S.I. OF POLICE,EAST POLICE STATION,
KOLLAM THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6037 of 2007

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Dated this the 4th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. Allegations are raised against him of matrimonial cruelty of culpable variety punishable under Section 498A I.P.C. Complaint was filed before the learned Magistrate and referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The marriage took place on 26.5.2002. The spouses are blessed with one child. There is strain in the marital tie and on account of such strain, fanciful, false and exaggerated allegations are being made against the petitioner. The petitioner may be saved of the undeserved trauma of arrest and incarceration in prison, submits the learned counsel.

3. The learned Prosecutor does not oppose the application. I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner. The learned Prosecutor submits that there is no injury suffered by the victim on account of the alleged

physical cruelty. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 10.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 11.10.07, and 12.10.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 10.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 10.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 10.10.2007.

(R. BASANT)
Judge

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